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November 14, 2023

VIA ECF

Hon. Jesse M. Furman, U.S.D.J.
United States District Court
Southern District of New York
40 Centre Street, Room 2202
New York, New York 10007

Re: Darko v. Graham et al., Case No. 1:23-CV-03232 (JMF)

Dear Judge Furman:

We represent Defendants UMG Recordings, Inc., Universal Music Publishing, Inc., Universal Songs of Polygram International Inc., Universal Music Publishing AB, Bremer Music Group AB, Warner Music Group Corp., Warner-Tamerlane Publishing Corp., Aubrey Drake Graham (p/k/a Drake), Johannes Klahr, and Richard Zastenker (collectively, “Defendants”) in the above-captioned action (the “Action”).

We write pursuant to 2.E of this Court’s Individual Rules and Practices and pursuant to this Court’s Order of September 20, 2023 (the “Order”; ECF 51) to respectfully request an adjournment of the Initial Conference (the “Conference”), currently scheduled for November 21, 2023 at 9:00 a.m., until 30 days after disposition of Defendants’ forthcoming Motion to Dismiss (the “Motion”) to be filed tomorrow, November 15, 2023. Plaintiff, through his counsel, consents to the relief requested herein.

The Complaint in this Action was filed on April 18, 2023. ECF 1. Thereafter, due to intervening service issues, multiple extension requests were granted, both to provide additional time for Plaintiff to serve Defendants and to provide additional time for Defendants to answer or otherwise respond to the Complaint (ECF 32, 34, 38, 49, 51, 67).

On September 20, 2023, Defendants filed a letter motion requesting an extension until October 30, 2023 for each of the Defendants to answer or otherwise respond to the Complaint. ECF 50. In addition, in light of the timeline for briefing necessary in the event Defendants filed a motion to dismiss, Defendants further requested that the Conference be rescheduled for December 21, 2023, or a date thereafter convenient for the Court. *Id.* The Court issued an Order the same day granting Defendants’ request to extend their deadline to respond to the Complaint. ECF 51. With respect to the Conference, the Court provided, in pertinent part:



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For the moment, however, the conference scheduled for November 21, 2023 remains in effect. **Defendants may renew their request for an adjournment if, closer to the date of the conference, they believe an adjournment would be appropriate.**

Id. (emphasis added). Thereafter, Defendants filed another request for an extension of time to respond to the Complaint, until November 15, 2023, which was granted. ECF 67.

In light of Defendants' forthcoming Motion, an adjournment is appropriate and good cause exists for same. Pursuant to S.D.N.Y. L.R. 6.1(b), Plaintiff's opposition to the Motion is due on November 29, 2023, and Defendants' Reply is due on December 6, 2023. To the extent the parties are required to prepare the pre-Conference letter and case management plan at this time, the deadlines set forth and content therein would be greatly impacted by the Motion. In addition, adjourning the Conference will preserve the Court's limited resources. Lastly, in the event the case is disposed of following the Court's adjudication of the Motion, the topics discussed at (or addressed prior to) the Initial Conference would be mooted.

This is the third request for an adjournment of the Conference. The first two requests were granted. *See* ECF 34, 38. As referenced above, the third request was not granted, but the Court invited Defendants to renew their request for an adjournment closer to the date of the Conference if they believe an adjournment would be appropriate. ECF 51.

The only upcoming deadlines are related to the Conference itself. Specifically, in advance of the Conference, the parties are due to file a proposed case management plan and joint letter by November 16, 2023.

We appreciate the Court's consideration of this matter.

Respectfully,

/s/Christine Lepera

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Application GRANTED. In light of the forthcoming motion and the fact that Plaintiff is still seeking to serve some Defendants, the initial pretrial conference scheduled for November 21, 2023, is hereby adjourned *sine die*. The Clerk of Court is directed to terminate ECF No. 73.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Jesse M. Furman".

November 15, 2023